



Appeal Decision

Site visit made on 9 February 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st March 2023.

Appeal Ref: APP/U3935/W/22/3306315

8 Wood Hall Drive, Wood Hall Park, Swindon SN2 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Morris against the decision of Swindon Borough Council.
 - The application Ref S/22/0653/SASM, dated 25 April 2022, was refused by notice dated 1 July 2022.
 - The development proposed is use of land as extended garden.
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Decision

1. The appeal is allowed and planning permission is granted for proposed use of land as extended garden, at 8 Wood Hall Drive, Wood Hall Park, Swindon SN2 2RA in accordance with the terms of the application, Ref S/22/0653/SASM, dated 25 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LPC/5326/EX01, LPC/5326/EX02 and LPC/5326/PL01.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the safety and security of users of the public footpath network.

Reasons

Character and Appearance

3. The site consists of a modest area of green space, originally provided as informal public amenity land. The proposal seeks to use the land as part of the private garden to 8 Wood Hall Drive and to enclose it with close boarded fencing. The site is within a predominantly residential area, part of a planned suburban estate of reasonably high density. The site is at a key junction formed by Wood Hall Drive and two public footpaths, one of which is immediately adjacent to the site.
4. The site is now within private ownership, and I have no reason to believe that this would change in the future, even if the Parish Council expressed a willingness to maintain the land. As such, the site provides little function as a useable or practical area of open space, but it does provide a degree of

openness to its surroundings. The proposal would reduce this openness somewhat, but green space would remain in front of the fencing, adjacent to the footpath. This would be sufficient to ensure that the site would still provide some relief from the built-up density of the area.

5. The proposal would use fencing similar to that already adjacent to the site. There are also many examples of gardens enclosed by such fencing locally, forming part of the suburban character of the area. The setback position of the proposed fencing means that it would have a more sympathetic interface with the road than others locally.
6. Furthermore, the proposal would be partially screened by hedging, already in existence, thus further ensuring its soft appearance. Although the proposal would not follow the original shape of the plot, its boundaries would broadly follow the footpath and the road. For these reasons, the proposal would not appear contrived or out of place and would maintain the character of the street scene and its landscape.
7. The openness and visual amenity of spaces such as the appeal site can contribute to wayfinding within estates. However, the node of the road and pathways, and the remaining degree of openness, would provide sufficient distinctiveness and legibility. As such, the proposal would not harm wayfinding. I understand the concerns of the Council in respect of the principle of the loss of such finite space. However, the site is not identified on the Local Plan Proposals Map as public open space (or similar), and so I see no objection in principle to the proposal. In any case, I have considered the proposal on its own facts and merits, distinct from any other similar areas of open space.
8. The Council has referred to dismissed appeals for similar development in the Borough. My appeal decision at 44 Wagtail Close¹ involved a scheme that did not include frontage planting, and was within an area with a denser, more built-up appearance than here. The appeal at 10 Conway Road² involved the loss of part of a larger area of designated Public Open Space, for a proposal with no set back. The Inspector also stated that each proposal should have regard to its own individual context. As such, I can only draw limited comparisons from these different proposals, and they do not change my findings on this issue.
9. For the reasons given above, the proposal would have an acceptable effect on the character and appearance of the area. It would therefore comply with policies DE1 and SD1 of the Swindon Borough Local Plan (SBLP), adopted March 2015 (SBLP), which require that development respects local character and context, and provides legibility.
10. These policies of the SBLP remain up to date, complying with the requirement of the National Planning Policy Framework (the Framework), that development should be sympathetic to local character. Paragraph 11(d) of the Framework is not therefore engaged, but for the reasons already stated the proposal would nevertheless accord with the Framework on this issue. It would also comply with the Swindon Residential Design Guide Supplementary Planning Document (SPD), adopted June 2016, which requires that development respects the character of the site and its surroundings.

¹ PINS reference APP/U3935/W/22/3292011

² PINS reference APP/U3935/W/21/3271459

Safety and Security

11. The use of sustainable transport modes, including walking and its health benefits, should not be discouraged. As such, it is important that the attractiveness and security of the public footpath, and the perception of its safety is not diminished. Currently, natural overlooking of the path is available from the windows of nearby dwellings, as well as from Wood Hall Drive and other footpaths, helping to ensure the safety of users of the path.
12. The proposal includes the enclosure of the land. However, its position means it would do little if anything to impede the existing views available over the footpath from the surrounding dwellings or from public areas. As such, the proposal would not restrict the current natural surveillance of the path and so would not result in it being inhospitable or unattractive.
13. The Council's Officer Report refers to the potential for the proposal to block highway visibility for vehicles using Wood Hall Drive. However, no substantive evidence has been provided by the Council to demonstrate this. Therefore, I see no reason why the proposal would restrict the visibility of vehicles using the road or harm highway safety.
14. For the reasons given above, the proposal would have a neutral effect on the safety and security of users of the public footpath network. As such, it would comply with policies DE1 and SD1 of the SBLP, which require accessibility, permeability, safety and security, amongst other things. For similar reasons, the proposal would also accord with the SPD, which promotes safe and secure communities, as does the Framework.

Conditions

15. The Council has provided a list of conditions, which I have assessed having regard to the advice in the Planning Practice Guidance. As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

O Marigold

INSPECTOR